

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - SE/Corner Allegheny & Central Avenues (309 W. Allegheny Avenue) 9th Election District 4th Councilmanic District J. Brooks Bradley, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a Class B office building and variances to permit 8 parking spaces in lieu of the required 9, a dead-end parking bay without a turnaround, and parking within 8 feet of a street right-of-way in lieu of the required 10 feet, all as more particularly described in Petitioner's Exhibits 1 and 3.

The Petitioners, by J. Brooks Bradley, appeared, testified, and were represented by William M. Hesson, Jr., Esquire. Also appearing on behalf of the Petition was Michelle Hooper, Architect. There were no Protestants.

Testimony indicated that the subject property, known as 309 West Allegheny Avenue, is zoned R.O. and is currently improved with an existing residence and office building. Petitioner proposes remodeling the interior of the structure and constructing an addition to the second floor of the building which necessitated the special exception request for a Class B office building. Testimony indicated the subject property received CRG approval as required prior to the zoning hearing on November 6, 1988. The proposed addition and subsequent refurbishing of the subject property will result in there being five offices and a reception area. Testimony indicated that all improvements to the site will conform the residential character and appearance of the surrounding development. Petitioner testified

that his business operation currently consists of four employees and that there will be no more than seven employees working at this location. Testimony indicated that the site will provide eight parking spaces in lieu of the required nine due to landscaping requirements imposed by the Office of Planning. Testimony presented by Petitioners' witness indicated that the proposed project would not cause any adverse impact and would not create traffic congestion over and above what already exists. Further testimony indicated that the conditions delineated in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) will be satisfied and the use proposed for the subject property would not be detrimental to the health, safety, and general welfare of the community.

It is clear that the B.C.Z.R. permits the use proposed in a R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

ORDER RECEIVED FOR FILING
Date 10/18/88
By J. Robert Haines

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- There shall be no medical office space.
- There shall be no office space in the basement.
- Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
887-3353
J. Robert Haines
Zoning Commissioner

December 23, 1988



William M. Hesson, Jr., Esquire
Hampton Plaza, Suite 1105
300 E. Joppa Road
Townson, Maryland 21204-3012
RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE SE/Corner Allegheny and Central Avenues (309 W. Allegheny Avenue) 9th Election District - 4th Councilmanic District J. Brooks Bradley, et ux - Petitioners Case No. 89-194-XA

Dear Mr. Hesson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
Date 10/18/88
By J. Robert Haines

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The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the special exception and variances should be granted with certain restrictions as more fully described below.

ORDER RECEIVED FOR FILING
Date 10/18/88
By J. Robert Haines

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89-194-XA
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6.A.2 to permit 8 parking spaces in lieu of the required 9, and from 409.8.A.5 to permit a dead end parking bay without a turnaround and 409.8.A.4 to permit parking within 8 ft. of a street R/W in lieu of the required 10 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- Additional square feet of building necessary for Owner to maintain his business.
- The eight parking spaces provided maximize the site such that it is not possible to provide an additional parking space.
- Vehicular traffic other than the 4-7 employees is minimal.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: J. Brooks Bradley
(Type or Print Name)
Signature
Address
City and State
Legal Owner(s): J. Brooks Bradley
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner: William M. Hesson, Jr.
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Michelle S. Hooper
Name
6112 York Road
Address
532-3131
Phone No.

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of October, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of November, 1988, at 9:30 o'clock A.M.

(over)

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Exception and Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of December, 1988 that the Petition for Special Exception for a Class B office building, and the Petition for Zoning Variance to permit 8 parking spaces in lieu of the required 9, a dead-end parking bay without a turnaround, and parking within 8 feet of a street right-of-way in lieu of the required 10 feet, in accordance with Petitioner's Exhibits 1 and 3, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- The special exception granted herein is limited to the Petitioners only and is not transferrable to any future owner or successor in title without another public hearing to review the continued special exception use.
- There shall be no more than six (6) persons employed at this location.
- All parking spaces shall be clearly outlined and designated, two as "visitor" parking and the remaining six as "employee" parking.
- All exterior lighting for the subject property shall not diffuse upon neighboring residential properties. Further, all exterior lighting shall be extinguished after 11:00 PM.
- Landscaping for the subject property will be at a minimum as set forth in Petitioner's Exhibit 3.

ORDER RECEIVED FOR FILING
Date 10/18/88
By J. Robert Haines

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89-194-XA
PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Section 203.3.B.2 for a Class B office building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: J. Brooks Bradley
(Type or Print Name)
Signature
Address
City and State
Legal Owner(s): J. Brooks Bradley
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner: William M. Hesson, Jr.
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Michelle S. Hooper
Name
6112 York Road
Address
532-3131
Phone No.

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of October, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of November, 1988, at 9:30 o'clock A.M.

Zoning Commissioner of Baltimore County.

z.c.o.-No. 1

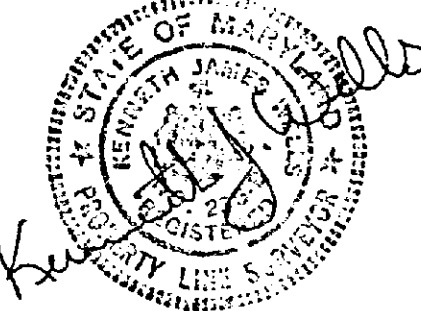
(over)

Description of
309 West Allegheny Avenue
Baltimore County, Maryland

Beginning for the same at a point where the south side of Allegheny Avenue intersects with the east side of Central Avenue, thence binding on said south side of Allegheny Avenue South 84 degrees 40 minutes East 60 feet; thence leaving said Allegheny Avenue and running parallel with said Central Avenue South 6 degrees 15 minutes West 150 feet to intersect with the north side of an Alley; thence binding on said Alley and parallel with Allegheny Avenue North 84 degrees 40 minutes West 60 feet to intersect with the east side of said Central Avenue; thence binding on said Central Avenue North 6 degrees 15 minutes East 150 feet to the place of beginning. Containing 0.2066 acres of land more or less.

Being the same land described in a deed dated January 4, 1935 was conveyed by Frank Schuler and Amelia D. Schuler, his wife, to John G. Turnbull recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. 939 folio 307.

Note: This description was prepared without the benefit of an actual field survey.



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
SE Corner Allegheny & Central : OF BALTIMORE COUNTY
Aves. (309 W. Allegheny Ave.)
9th Election District;
4th Councilmanic District
J. BROOKS BRADLEY, et ux, : Case No. 89-194-XA
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 25th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to William M. Hesson, Jr., Esquire, Suite 1105 Hampton Plaza, 300 E. Joppa Rd., Towson, MD 21204-3012, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th Date of Posting November 2, 1988
Posted for: Special Exception & Variance
Petitioner: J. Brooks Bradley, et ux
Location of property: SE Cor. Allegheny Avenue and Central Avenue
(309 W. Allegheny Avenue)
Location of Sign: In front of 309 W. Allegheny Avenue
Remarks:
Posted by: J. Robert Haines Date of return: November 18, 1988
Number of Signs: 2

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: _____



Mr. & Mrs. J. Brooks Bradley
20 Trumbull Court
Baltimore, Maryland

Re: Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-194-XA
C/O Cor. Allegheny Avenue and Central Avenue
(309 W. Allegheny Avenue)
9th Election District - 4th Councilmanic
Petitioner(s): J. Brooks Bradley, et ux
HEARING SCHEDULED: WEDNESDAY, NOVEMBER 30, 1988 at 9:30 a.m.

Dear Mr. & Mrs. Bradley:

Please be advised that _____ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 038971
DATE 11/30/88 ACCOUNT 11-01-615-000
AMOUNT \$ 89.25
RECEIVED FROM J. Brooks Bradley
FOR Posting Signs 11/30/88
89-194-XA
VALIDATION OR SIGNATURE OF CASHIER

post set(s), there each set not

inc net of

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

October 13, 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-194-XA
S/E Cor. Allegheny Avenue and Central Avenue
(309 W. Allegheny Avenue)
9th Election District - 4th Councilmanic
Petitioner(s): J. Brooks Bradley, et ux
HEARING SCHEDULED: WEDNESDAY, NOVEMBER 30, 1988 at 9:30 a.m.

Special Exceptions for a Class B office building.
Variance to permit 8 parking spaces in lieu of the required 9.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: J. Brooks Bradley, et ux
William M. Hesson, Jr., Esq.
Michelle S. Hooper
File

IF PHASE II OF THE SIGN EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 9:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELEPHONE DULCI CLARK AT 494-3391 TO CONFIRM DATE.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-194-XA
S/E Cor. Allegheny Avenue and Central Avenue
(309 W. Allegheny Avenue)
9th Election District - 4th Councilmanic
Petitioner(s): J. Brooks Bradley, et ux
HEARING SCHEDULED: WEDNESDAY, NOVEMBER 30, 1988 at 9:30 a.m.

Special Exceptions for a Class B office building.
Variance to permit 8 parking spaces in lieu of the required 9, and from 5409.8 A.S. to permit a dead end parking bay without a turnaround and 5409.8 A.S. to permit parking within 8 ft. of a street P/W in lieu of the required 10 ft.
*IF PHASE II OF SIGN EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 494-3391 TO CONFIRM DATE.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

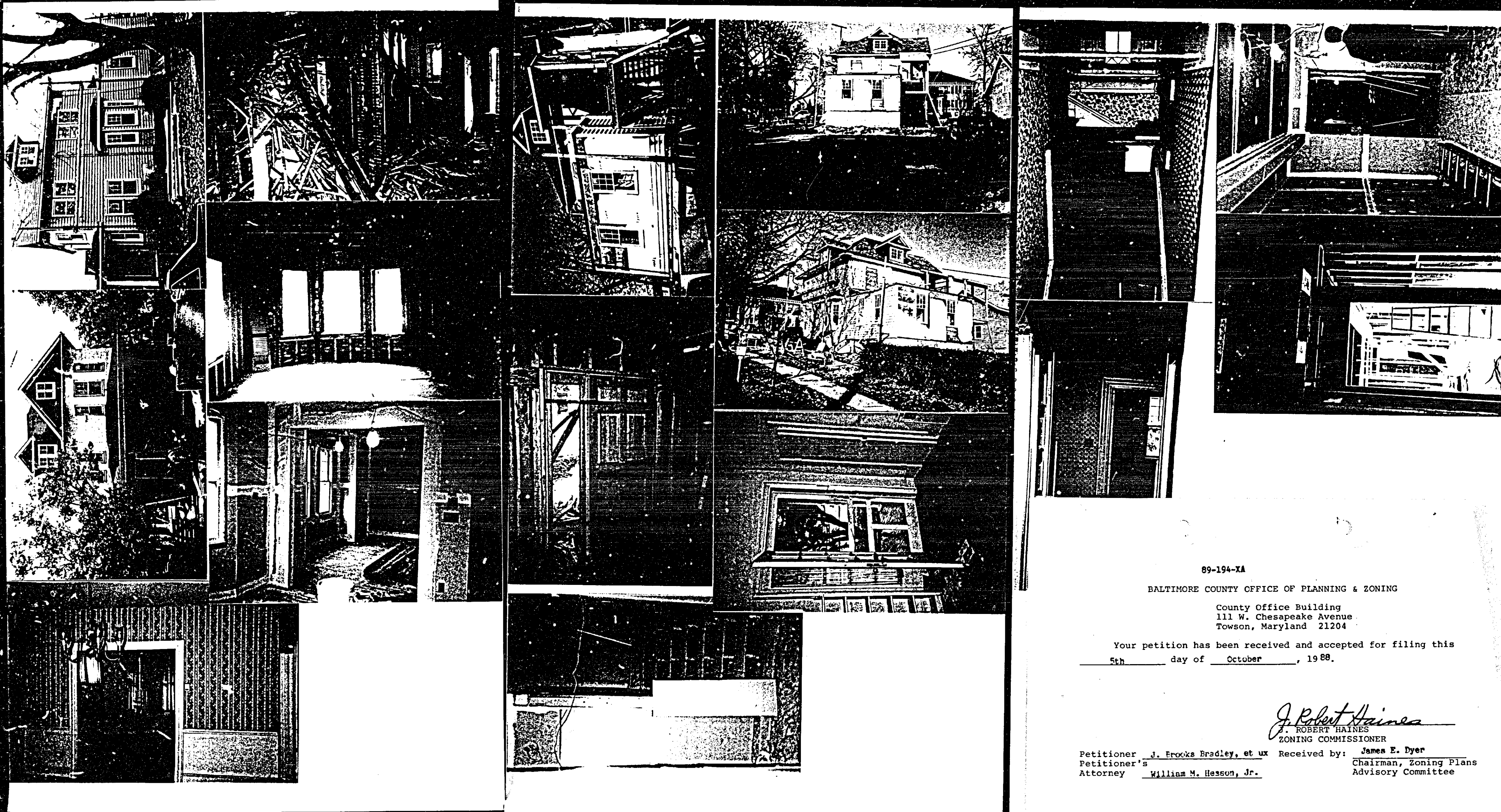
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County



PETITIONER'S EXHIBIT 3

(ORIGINAL PICTURES RETURNED TO PETITIONER - PER TRH/CFR 1-25-89)

PETITIONER'S EXHIBIT 4
SCHEMATIC PARKING PLAN
309 ALLEGHENY AVE
TOWSON, MARYLAND 21204
Marshall Craft Associates, Inc.
Architects & Planners
6112 York Road
Baltimore, MD 21204
301-532-9131
SCALE: 1/8" = 1'-0"
JOB NO: 8812
DATE: 11/2/88
5K-4a



Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

October 3, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: J. Brooks Bradley, et ux
Location: S/E corner Allegheny & Central Avenues

Item No.: 107 Zoning Agenda: Meeting of 10/4/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* 10-3-88 Noted and Approved: *[Signature]* Fire Prevention Bureau
Planning Group Special Inspection Division

/s/

89-194-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
5th day of October, 1988.

[Signature]
J. Robert Haines
ZONING COMMISSIONER

Petitioner: J. Brooks Bradley, et ux Received by: James E. Dyer
Petitioner's Attorney: William M. Hesson, Jr. Chairman, Zoning Plans Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

October 28, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number (107) 112, 115, 116, 117, 118, 119, 120, 122, 123, 125, 126, and 127.

Very truly yours,
[Signature]
Michael S. Flanigan
Engineering Associate

MSF/lvw

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 16, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of
Fire Prevention
Department of
Traffic Engineering
State Roads Commission
Bureau of
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

William M. Hesson, Jr., Esquire
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, MD 21204-3012

RE: Item No. 107; Case No. 89-194-XA
Petitioner: J. Brooks Bradley, et ux
Petition for Zoning Variance & Special Exception

Dear Mr. Hesson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
[Signature]
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:scj

Enclosures

cc: Michelle S. Hooper
Marshall Craft Associates, Inc.
6112 York Road
Baltimore, MD 21212

Marshall Craft Associates, Inc.
Architects/Planners

6112 York Road
Baltimore, Maryland 21212
301-532-3131

October 28, 1988

Mr. Tom Watson
Baltimore County
Public Services Department
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: 309 Allegheny Avenue
Job #8822

Dear Mr. Watson:

Enclosed are seven copies of the revised C.R.G. Plan for 309 Allegheny Avenue, reflecting comments from the C.R.G. Hearing and the Public Works Waiver Hearing. The following items have been addressed:

1. Refuse Accommodations - Container for refuse will be located on the south east corner of the property with shrubbery as screening as shown on the drawing.
2. Plans Review - The issues noted have been discussed and addressed with the Department of Plans Review.
3. Environmental Management - The Best Management Practices have been distributed to the Owner and the Building Contractor.
4. Landscaping - Avery Hardin has reviewed and approved the landscaping plan. Calculations are indicated on the drawing.
5. Signage - The signage has been noted as non-illuminated.
6. Public Works - A waiver of the Public Works Requirements was granted on 10/24/88, Ref-W-88-277. The right-of-ways, however, will be dedicated to the County.
7. Zoning - The zoning variance request has been amended to include a variance to S.409.8.A.5 for a dead-end parking bay without turn around and S.409.8.A.4 to allow a parking space 8'-0" from the alley right-of-way.
8. Water Engineering - The Bureau of Water and Waste Water has been contacted to determine if adequate water is available for fire protection and domestic service.

Marshall Craft Associates, Inc.
Architects/Planners

Mr. Tom Watson
October 28, 1988
Page 2

Please contact our office should you have any questions or comments with regard to this matter.

Sincerely,
[Signature]
MARSHALL CRAFT ASSOCIATES, INC.
Michelle Springer Hooper

bsp

cc: Brooks Bradley
11ex
Design File

RECEIVED
NOV 9 1988
ZONING OFFICE

Case file
BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
DATE: 10/6/88
FROM: ZONING OFFICE

PROJECT NAME: 309 W. Allegheny Avenue
PLAN: 9/7/88
REV.: 9/30/88 REV.:

LOCATION: SE/cor Allegheny Avenue
and Central Avenue

DISTRICT: 9C4

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG
APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

On September 13, 1988, the following zoning hearings were filed in the zoning office under Item #107:

A special exception for a class "B" office building and a variance to S.409.6.A.2 to permit 8 parking spaces in lieu of the required 9. The following comments must be addressed on revised plans prior to a hearing date being assigned and final zoning approval would be contingent first upon all comments being addressed and second upon the outcome of the public hearing:

1. Recalculate and show the Gross and Net R.O. Site area as on the revised hearing site plans and provide all calculations in sq. ft. Show all A.O.S. calculations and include them in sq. ft. A.O.S. is calculated on the Gross area and must be provided on the net lot area excluding any existing or proposed right-of-ways required to be dedicated at building permit time. Sub-total A.O.S. areas on the plan. Include the allowed F.A.R. in sq. ft. in the notes.

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: 309 W. Allegheny Avenue
DATE: 10/6/88
PAGE 2

2. Under the use note and in the parking calculations described the proposed use as "general offices". Reference the change of occupancy permit #103001 (C-1191-88) approved by Planning and Zoning on 7/20/88 for a class "A" office building. Add "Class B" office building and C.R.O. plan to the title. Include "site plan to accompany zoning petition for a Class "B" office building on the zoning hearing revised plans".
3. Signs - An 8 sq. ft. non-illuminated building sign is allowed. If the building identification sign shown on the elevations is the only sign proposed visible outdoors, this should be noted. If a larger sign is anticipated, it should be shown on the elevations.
4. Add to the variance request a variance to S.409.8.A.5 to permit a dead end parking bay without a turnaround and S.409.8.A.4 to permit parking within ft. of a street R/W in lieu of the required 10 ft. (If alley will be widened to 24 ft., it will meet the zoning definition of a street).
5. Note under the parking calculations that all parking spaces will be striped and include a curb or wheel stops around the parking area.
6. The zoning staff would recommend that the developer redesign or present an optional parking plan at the public hearing that would provide for additional spaces.
- 9/30
BA
If a redesign to provide additional parking is not favored by the developer, and departmental comments (1) require improvements to Central Ave., and (2) favor the existing parking plan without change (favorable to a parking variance), then considering that there are proposed 8 employees, and 8 parking spaces, the developer should be prepared as part of the zoning case to explain the impact of client parking at the zoning hearing.

W. Carl Richards, Jr.
Zoning Coordinator

scj

BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204 19K

309 WEST ALLEGHENY AVE.
JL BROOKS BRADLEY & ELIZABETH
20 TREBLANT CT. LUTHERVILLE MARYL 21030-9191-88

THE BRADLEY COMPANY 2 G TREBLANT CT. BUTHERVILLE MD 2093 252-8084

MARSHALL CRAFT ASSOCIATES, INC. 6112 YORK ROAD BALTO. MD 21212

55 ALLEGHENY AVE. SE COR CENTRAL AVE.

A. TYPE OF IMPROVEMENT
1. NEW BUILDING CONSTRUCTION
2. ADDITION
3. ALTERATION
4. IMPROVING EXISTING NO NEW CONSTRUCTION
5. CHANGING OF OCC

B. OWNERSHIP
1. PRIVATELY OWNED
2. PUBLICLY OWNED

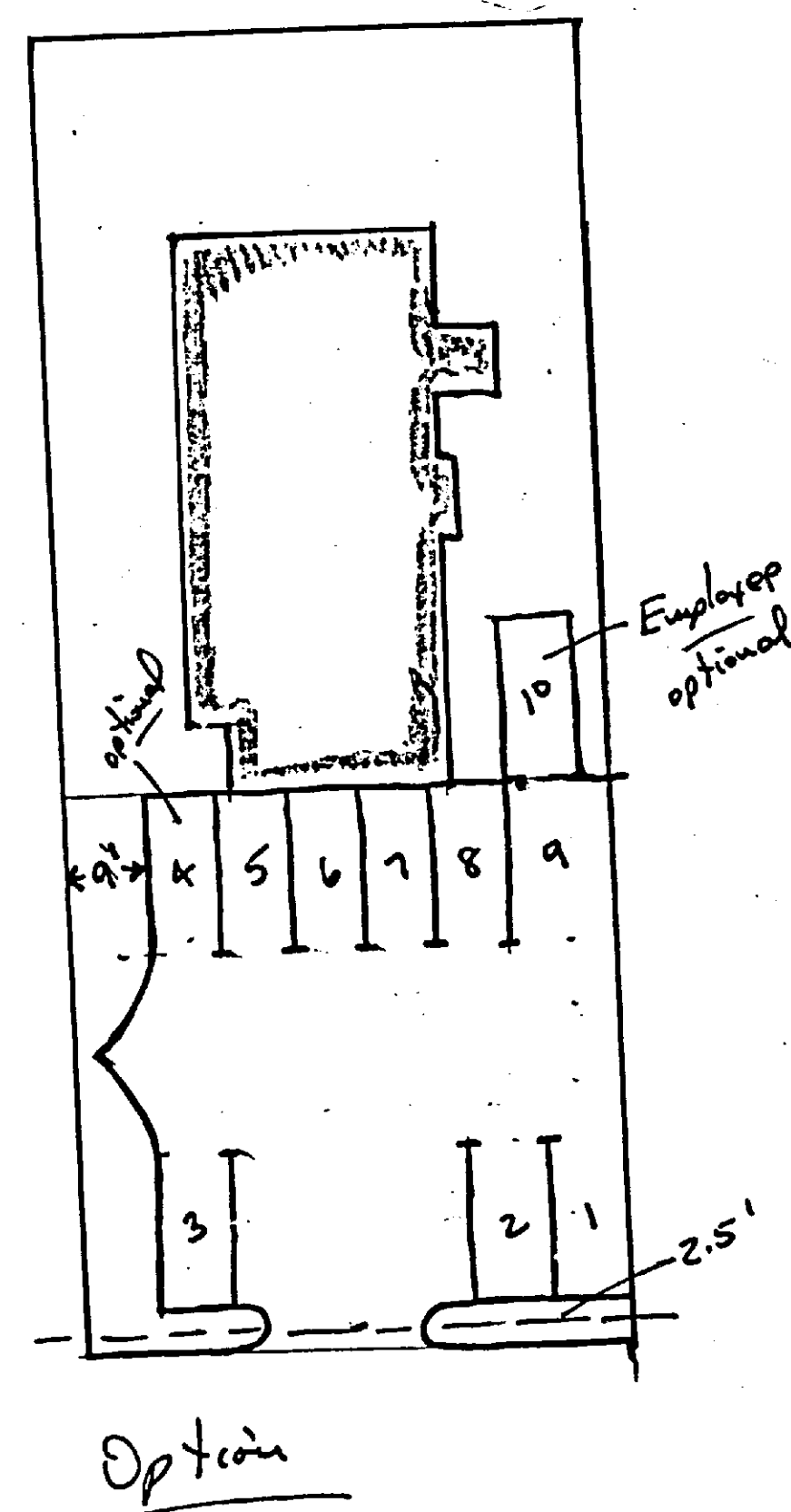
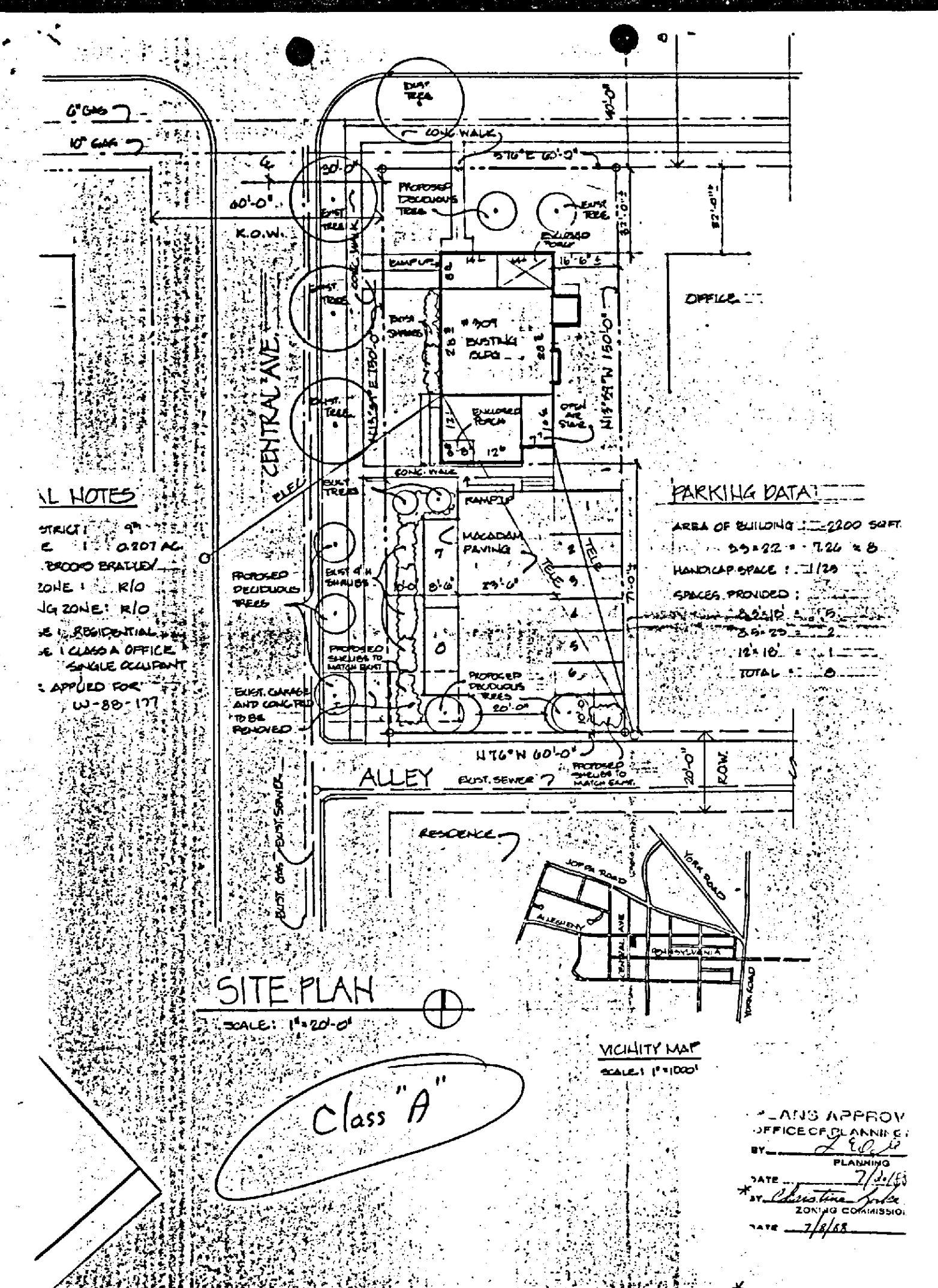
C. TYPE OF USE
1. RESIDENTIAL
2. COMMERCIAL
3. INDUSTRIAL
4. OFFICE BUILDING

D. TYPE OF CONSTRUCTION
1. MASONRY
2. WOOD FRAME
3. CONCRETE
4. METAL
5. OTHER

E. RESIDENTIAL ONLY
1. SINGLE FAMILY UNITS
2. TWO FAMILY UNITS
3. THREE FAMILY UNITS
4. FOUR FAMILY UNITS
5. FIVE FAMILY UNITS
6. SIX FAMILY UNITS
7. SEVEN FAMILY UNITS
8. EIGHT FAMILY UNITS
9. NINE FAMILY UNITS
10. TEN FAMILY UNITS
11. ELEVEN FAMILY UNITS
12. TWELVE FAMILY UNITS
13. THIRTEEN FAMILY UNITS
14. FOURTEEN FAMILY UNITS
15. FIFTEEN FAMILY UNITS
16. SIXTEEN FAMILY UNITS
17. SEVENTEEN FAMILY UNITS
18. EIGHTEEN FAMILY UNITS
19. NINETEEN FAMILY UNITS
20. TWENTY FAMILY UNITS

F. DIMENSIONS
1. LOT AREA
2. LOT FRONTAGE
3. LOT DEPTH
4. LOT COVERAGE
5. LOT YIELD
6. LOT CAPACITY
7. LOT INTENSITY
8. LOT DENSITY
9. LOT PRODUCTIVITY
10. LOT EFFICIENCY
11. LOT PRODUCTIVITY
12. LOT EFFICIENCY
13. LOT PRODUCTIVITY
14. LOT EFFICIENCY
15. LOT PRODUCTIVITY
16. LOT EFFICIENCY
17. LOT PRODUCTIVITY
18. LOT EFFICIENCY
19. LOT PRODUCTIVITY
20. LOT EFFICIENCY

G. SIGNATURE OF APPLICANT
H. SIGNATURE OF BUILDING ENGINEER
I. SIGNATURE OF ZONING OFFICIAL
J. SIGNATURE OF PLANNING OFFICIAL
K. SIGNATURE OF PUBLIC WORKS OFFICIAL
L. SIGNATURE OF FIRE DEPARTMENT OFFICIAL
M. SIGNATURE OF POLICE DEPARTMENT OFFICIAL
N. SIGNATURE OF HEALTH DEPARTMENT OFFICIAL
O. SIGNATURE OF SOCIAL SERVICES OFFICIAL
P. SIGNATURE OF EDUCATION OFFICIAL
Q. SIGNATURE OF ENVIRONMENTAL OFFICIAL
R. SIGNATURE OF HISTORIC PRESERVATION OFFICIAL
S. SIGNATURE OF PARKS AND RECREATION OFFICIAL
T. SIGNATURE OF TRANSPORTATION OFFICIAL
U. SIGNATURE OF UTILITIES OFFICIAL
V. SIGNATURE OF WASTE MANAGEMENT OFFICIAL
W. SIGNATURE OF WATER SUPPLY OFFICIAL
X. SIGNATURE OF AIR QUALITY OFFICIAL
Y. SIGNATURE OF SOIL CONSERVATION OFFICIAL
Z. SIGNATURE OF FLOOD CONTROL OFFICIAL



BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

TO: Mr. James Markle
FROM: Mr. Stephen E. Weber
SUBJECT: C.R.G. Comments

PROJECT NAME: 309 W. Allegheny Avenue
PROJECT NUMBER & DISTRICT: C.R.G. PLAN
LOCATION: Same
DEVELOPMENT PLAN:
RECORD PLAT:

There are no further comments on the proposed plan.

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEA/RP/Lvw

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS
DATE: 10/05/88

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

PROJECT NAME: Office Building
PROJECT NO: 88155
LOCATION: 309 W. Allegheny Avenue
DISTRICT: 9C4

The Plan for the subject site dated September 30, 1988 has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

The Developer may request, in writing, a waiver of public improvements as stated. The request should be made to the Director of Planning and Zoning. After evaluation, the request will then go to the Planning Board for a decision.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

Office Building
309 W. Allegheny Avenue
Project #88155
Page 3
October 5, 1968

HIGHWAY COMMENTS: (Con't)

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

The Department of Public Works will support a waiver request for the construction of combination curb and gutter in its ultimate location and paving adjacent thereto along the frontage of the property.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Floodplain studies and storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-80), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Office Building
309 W. Allegheny Avenue
Project #88155
Page 4
October 5, 1968

WATER AND SANITARY SEWER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. The Baltimore City water comments dated September 28, 1968 are attached.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

SIGNED: ROBERT W. BOWLING *RWB*

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:JRL:pab

Enclosure

ALLEGHEY/TXTOWN

CITY OF BALTIMORE

KURT L. SCHMONE, Mayor



DEPARTMENT OF PUBLIC WORKS

BUREAU OF WATER AND WASTE WATER
900 Abel Wolman Municipal Building
Baltimore, Maryland 21202
408 Abel Wolman Municipal Building

September 28, 1968

Mr. Robert Bowling, P.E., Chief
Developers Engineering Division
Baltimore County Department of
Public Works
County Office Building
Towson, Maryland 21204

Re: Office Building
309 W. Allegheny Avenue

Dear Mr. Bowling:

In reply to your letter of September 15, 1968 concerning the subject commercial development, service may be obtained from the Towson Fourth Zone.

The proposed office building addition may be served from the existing water service to 308 W. Allegheny Avenue unless projected water demands would require a larger service.

The developer should arrange to have fire flow tests made to determine if the water available is adequate for fire protection and domestic service. Arrangements for fire flow tests can be made by contacting Mr. T. F. Schwartz, Chief of Pumping Section, Bureau of Water and Waste Water, Ashburton Filtration Plant, 3001 Druid Park Drive, 396-0360.

All mains not in public roads will not be serviced or maintained by the City.

Very truly yours,

Jerry Silhan
JERRY SILHAN, ACTING CHIEF
WATER ENGINEERING DIVISION

JS:SCM:cr

cc: Mr. L. E. Hudson
Mr. N. Stephen
Mr. S. Hill
Mr. J. W. Pearson

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: James A. Markle, Chief
Bureau of Public Services
DATE: September 21, 1968

FROM: Shirley M. Murphy
Bureau of Land Acquisition

SUBJECT: CRG # , 309 West Allegheny Avenue

As requested, we have reviewed and researched the subject CRG Plan and have no comment to make at this time.

If you have any questions, please feel free to contact me at 494-3293.

Shirley M. Murphy
Shirley M. Murphy
Acting Chief &
Title Examination Supervisor
Bureau of Land Acquisition

SM:DM:

Marshall Craft Associates, Inc.

Architects/Planners

August 30, 1968

6112 Von Road
Baltimore, Maryland 21212
301-532-3131

Baltimore County Office of Planning & Zoning
Room 105 County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

#107

RE: Proposed Addition to
309 W. Allegheny Avenue
Towson, Maryland 21204
Job #8822

Gentlemen:

We hereby request a Special Exception for the above project, a minor commercial second story addition involving only one Class B building in an R.O. zone, for a single use and a single occupant. The site is located at the southeast corner of Allegheny and Central Avenues in Towson, Maryland. We also hereby request a zoning variance for the above project as the addition will require one additional parking space to the eight already provided. We have included three copies each of the petitions for Special Exception and information. The Tax Number of 09-19-070590 has been established and the deed is recorded among the Land Records of Baltimore County Liber 373, Folio 20. We request the Zoning Special Exception and Parking Variance for the following reasons:

1. The proposed addition to the Class A Office Building, making it a Class B Office Building, in an R.O. zone is consistent with the surrounding properties on Allegheny Avenue.
2. Proposed exterior alterations are minimal, and are compatible with the surrounding area.
3. The proposed addition will occur on the second story of an existing one story space, therefore, resulting in minimal site disturbance.
4. The additional office space will enable the Owner to accommodate the expansion of his new company.
5. The site is not ample enough to accommodate the additional parking space required.
6. Vehicular traffic to the site will be minimal, other than the employees.

Sincerely,

MARSHALL CRAFT ASSOCIATES, INC.

Michelle Springer Hooper
Michelle Springer Hooper

bsp

GENERAL NOTES:

1. DEVELOPMENT NAME: 309 W. ALLEGHENY AVE.
2. APPLICANT: J. BROOKS BRADLEY
26 TREMBLANT COURT
LUTHERVILLE, MD 21093
3. ARCHITECT: MARSHALL CRAFT ASSOCIATES, INC.
6112 YORK ROAD
BALTIMORE, MD 21212
410.532.3131
4. ELECTION DISTRICT: 4th
5. COUNCILMANIC DISTRICT: 23
6. CENSUS TRACT: 4907.02
7. WATERSHED: 23
8. SUBWATERSHED: 55
9. SITE ADDRESS: 309 W. ALLEGHENY AVE.
10. AMENITY OPEN SPACE: 17,100 SF
NET - 8,950 SF
REQUIRED - 4,275 SF (25% OF GROSS AREA)
PROVIDED - 4,301 SF (SUBTOTALS ON SITE PLAN)
REQUIRED - 1 TREE/140 SFT
PROVIDED - 3 TREES/140 SFT
ADJUSTED GROSS: 270 UNITS/140 SFT
ADJUSTED GROSS: 270 UNITS/140 SFT
ADJUSTED GROSS: 270 UNITS/140 SFT
11. LANDSCAPING: (REQUIREMENT BY ATTIC - UTILITY ALLEYS
ONLY, HEADROOM 6'-8" MAX.)
FIRST FLOOR - EXIST 1,200 SF / PROP 1,350 SF
SECOND FLOOR - EXIST 825 SF / PROP 1,220 SF
12. FLOOR AREA: TOTAL ADJ. EXIST 2,200 SF / PROP 2,580 SF
F.A.R. PERMITTED 0.50
PROPOSED 0.15
WATER 71'-0" x 18'-0"
SEWER 16'-0" x 18'-0"
16'-0" x 18'-0"
27'-0" x 22'-0"
22'-0" x 11'-0"
13. DRAWING REFERENCE NO.'S

12TH/17 SITE:

15. SOIL TYPE: STATUS:
25. HEIGHT OF BLDG: 28'-0"
26. COVERAGE: 28.9% S.F.
27. FLOOR AREA: 2,580 S.F.
28. CHARACTER: TRADITIONAL REGIONAL VERNACULAR (C1910)
29. EXTERIOR MATERIALS: WD. SHINGLE SIDING, ASPHALT SHINGLE ROOF
30. USE: INSURANCE OFFICE

23. ESTIMATED ADTS:

41. STORM WATER MANAGEMENT:

10a. PARKING:

LAND USE:

CURRENT ZONING:

THERE ARE NO WETLANDS, UNUSUAL NATURAL FEATURES, ARCHEOLOGICAL SITES, CRITICAL AREAS, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS ON THIS SITE.

G18. GLENNEL: URBAN LAND COMPLEX
EXISTING - CLASS A OFFICE BUILDING
PROPOSED - CLASS B OFFICE BUILDING
28.9% S.F.
2,580 S.F.
TRADITIONAL REGIONAL VERNACULAR (C1910)
WD. SHINGLE SIDING, ASPHALT SHINGLE ROOF
INSURANCE OFFICE
HRS. OF OPERATION 8AM - 5PM, M-F
MAXIMUM NO. OF EMPLOYEES - 8
EXISTING: 40
PROPOSED: 47
2750 SFT OF PKG LOT. EXEMPT: NO INCREASE IN IMPEVIOUS AREA
EXISTING: 1200 SFT 12' x 22' x 7.26' x 8.8
REQUIRED: 2800 SFT 12' x 22' x 8.60' x 9.1
PROPOSED: 2800 SFT 12' x 22' x 8.60' x 9.1
ON THE BASIS OF HANDSHIP, TO ALLOW 8 PARKING SPACES IN VIEW OF 9, AND A DEAD END BAY WITHOUT A TURNAROUND AND PARKING WITHIN 8' OF THE ALLEYWAY.

1. SPACE
2. SPACES
3. SPACES
EXISTING - CLASS A OFFICE BUILDING
PROPOSED - CLASS B OFFICE BUILDING
GENERAL OFFICES

OFFICE - R.O.
LODY AND FARLEY
400 W. ALLEGHENY AVE.
(L) 6128 (F) 0001
09 19 207270

OFFICE - R.O.
BOARD OF EDUCATION
CENTRAL AVE.
(L) 0401 (F) 0173
09 02 61503

OFFICE - R.O.
J. BROOKS AND EUGENE BRADLEY
26 TREMBLANT COURT
LUTHERVILLE, MD 21093
09 07 05 312

OFFICE - R.O.
FRANCIS AND HARRIET GLENNEL
307 W. ALLEGHENY AVE.
(L) 6435 (F) 0408
09 19 301170

OFFICE - R.O.
DOROTHY SMITH
303 W. PENN AVE
(L) 0462 (F) 0444
09 19 70000

AA SITE SECTION

SCALE: 1" = 20'-0"

DRAWING NO. PUBLIC SERVICES CRG NO. 25155

ADDITIONAL NOTES:

1. WAIVER W-25-177 WAS APPLIED FOR AND APPROVED TO CONVERT FROM RESIDENTIAL TO CLASS A OFFICE BUILDING, ON JULY 21, 1983. SUBSEQUENT THERE TO, AN ADDITION WAS DESIGNED WHICH CONVERTS THE BUILDING TO CLASS B OFFICE SPACE.
2. CHANGE OF OCCUPANCY PERMIT # 10001. (C-191-83) WAS FILED AND APPROVED BY PLANNING & ZONING ON 7/20/88.
3. THE SIGNAGE AS SHOWN ON THE ELEVATIONS, IS THE ONLY SIGNAGE PROPOSED, AND IS NON-ILLUMINATED.
4. WAIVER W-25-277 WAS APPLIED FOR ON 9/12/88 TO WAIVE PUBLIC WORKS REQUIREMENTS FOR ROAD AND ALLEY WIDENING AND IMPROVEMENTS AND WAS APPROVED 10/24/88.

SITE PLAN

SCALE: 1" = 20'-0"

NORTH

VICINITY MAP

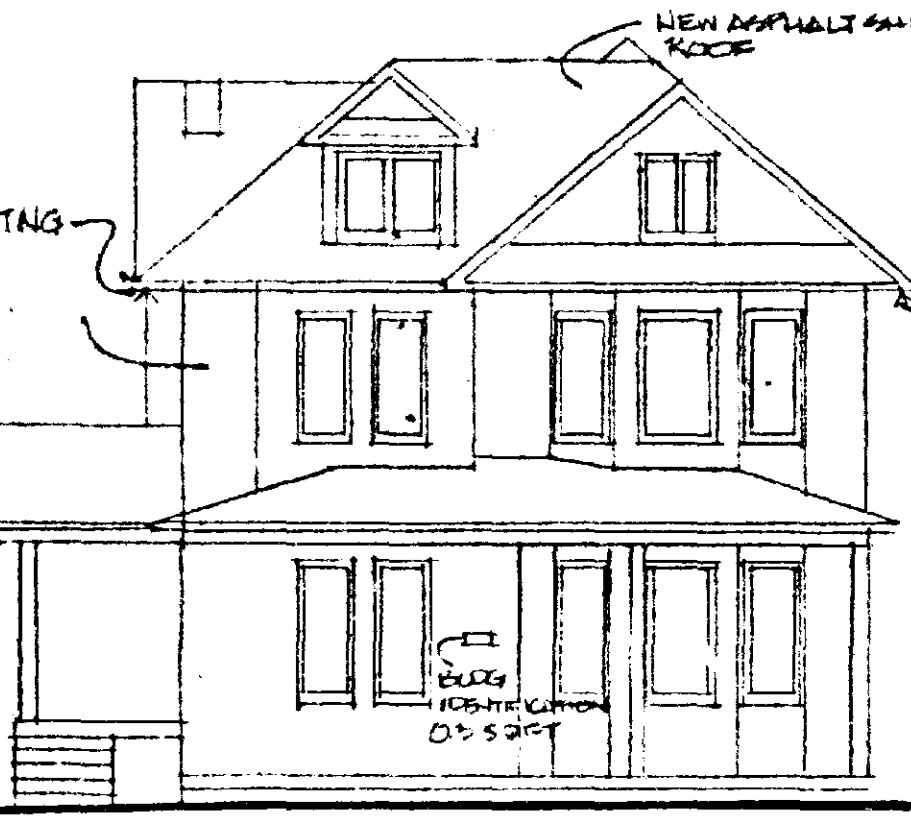
SCALE: 1" = 100'

FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

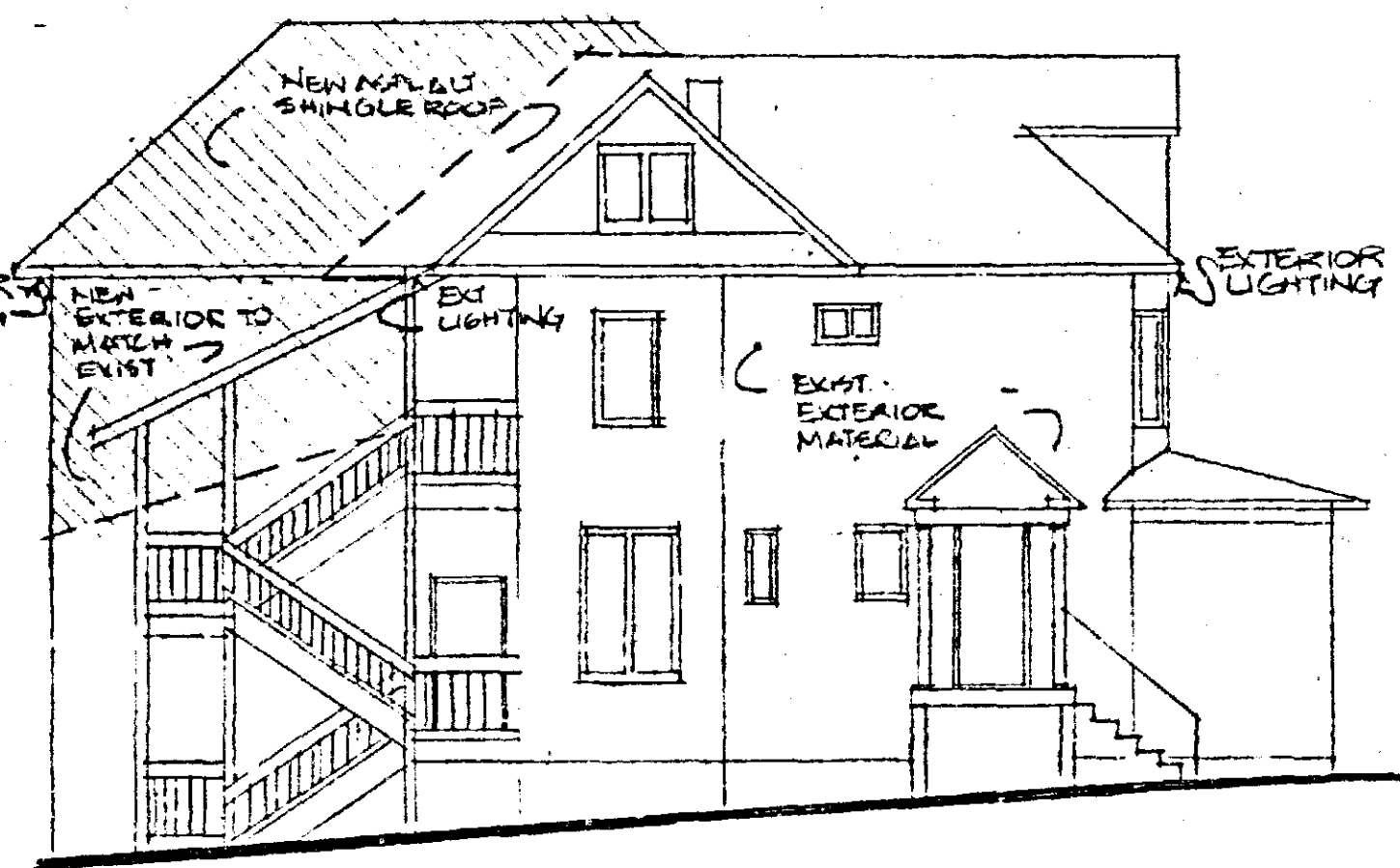
SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



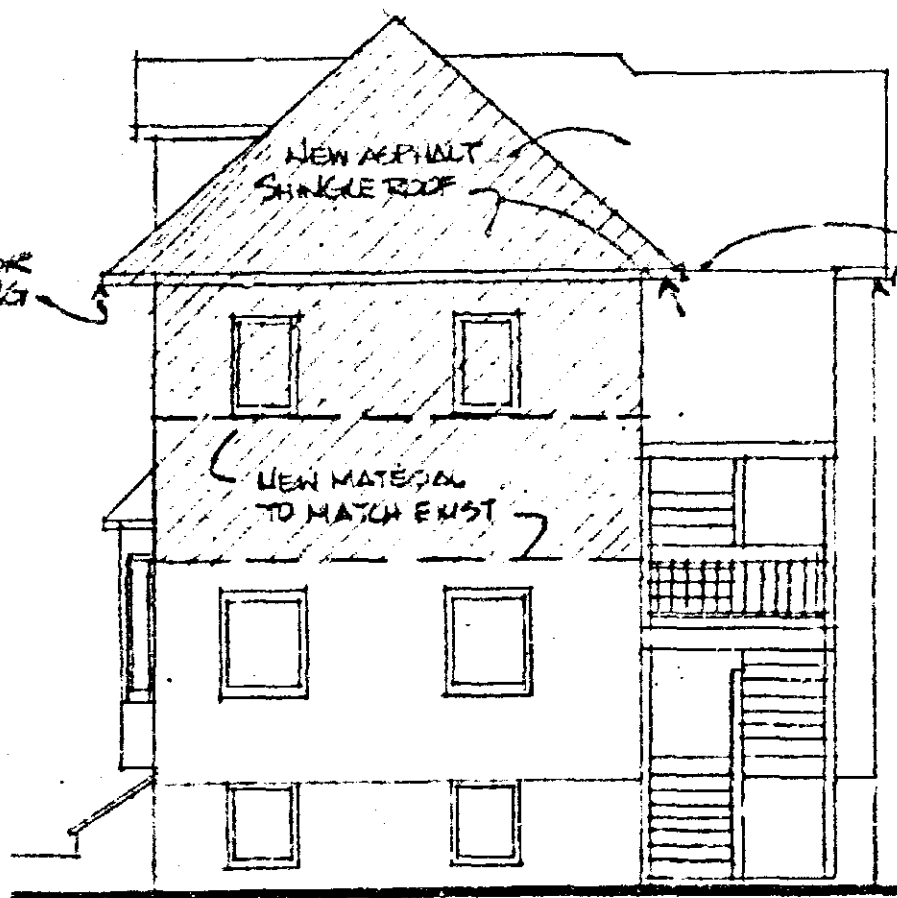
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



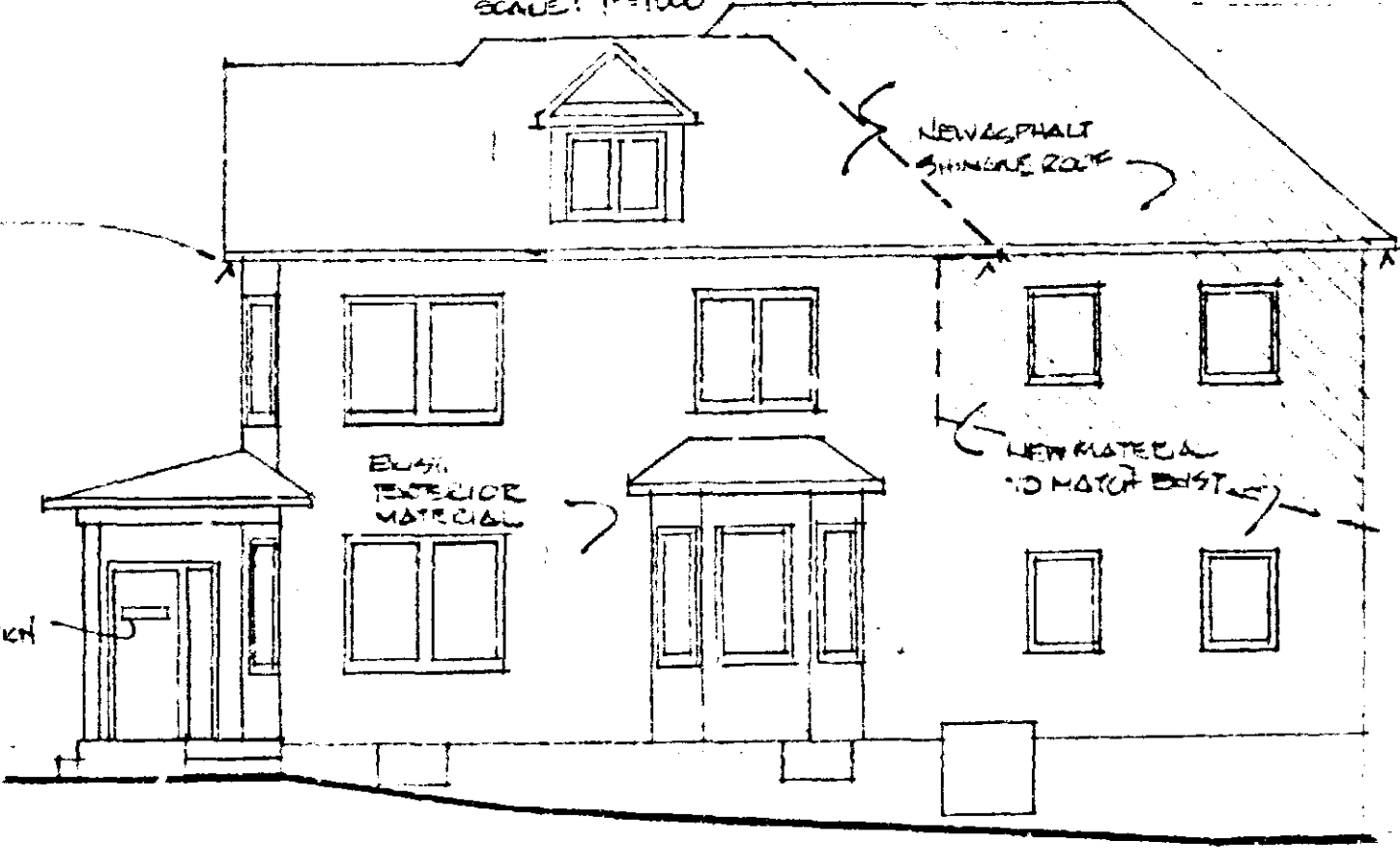
EAST ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

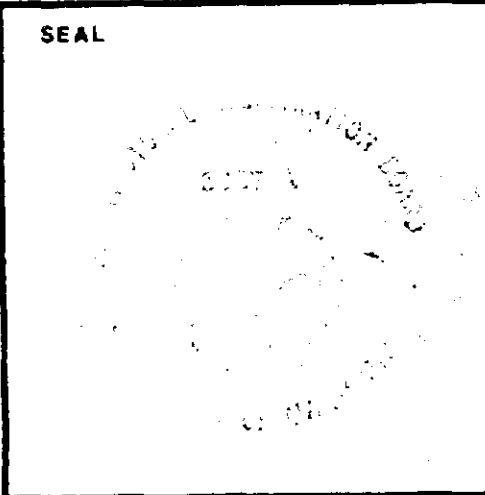
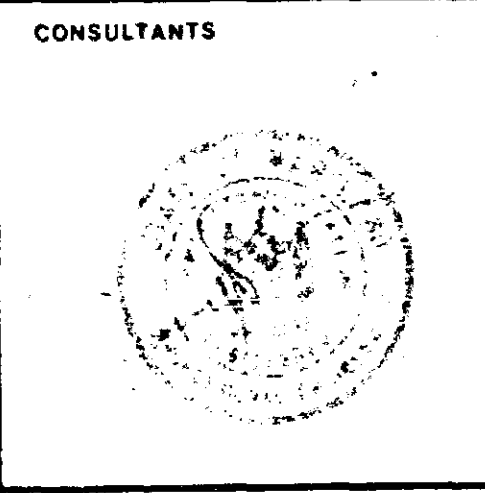


WEST ELEVATION

SCALE: 1/8" = 1'-0"

PETITIONER'S EXHIBIT 3

REVISIONS	no.	date	comments



CLASS "B" OFFICE BUILDING
309 WEST ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

Marshall Craft Associates, Inc.
Architects / Planners
6112 York Road
Baltimore, Maryland 21212
301-532-3131

SITE PLAN
CRG PLAN
(SITE PLAN TO ACCOMPANY ZONING PETITIONS FOR CLASS B OFFICE BUILDING)

SCALE ADJUSTED
JOB NO. 25155
DATE 10/28/88
S-2

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